

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter)

)
Bell Atlantic Petition for Forbearance)
from Application of Section 272 of the)
Communications Act of 1934, as Amended,)
to Previously Authorized Services)

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CC Docket No. 96-149
APR 21 1997
Federal Communications Commission
Office of Secretary

COMMENTS OF AT&T CORP.

Pursuant to the Public Notice issued on March 25, 1997, AT&T respectfully submits its Comments on Bell Atlantic's petition for forbearance, under Section 10 of the Communications Act of 1934, as amended,¹ from the application of the requirements of Section 272 of the Act to Bell Atlantic's E911 service.²

In its Comments, Bell Atlantic claims (pp. 2-3) that its E911 service, which hands off emergency calls to public or private agencies in different LATAs and transmits

¹ Section 10(a) of the Act provides that the Commission shall forbear from application of any provision of the Act "if the Commission determines that -

(1) enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory;

(2) enforcement of such regulation or provision is not necessary for the protection of consumers; and

(3) forbearance from applying such provision or regulation is consistent with the public interest."

² Bell Atlantic filed a one paragraph petition, in which it relied on its concurrently-filed comments in this docket in support of BellSouth's similar forbearance petition as the justification for its petition. AT&T's page references herein are to Bell Atlantic's comments ("Comments").

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data across LATA boundaries, is inextricably linked to its LEC directory databases to provide the most efficient use and dissemination of the directory information, and to assure the most current routing information for emergency calls. It further states (pp. 3-4) that if it had to provide this service through a separate affiliate subject to the Section 272 requirements, "the service as offered today would not be possible" because the affiliate would be limited in its access to non-published or unlisted numbers, and the service would be "prohibitively expensive."

Bell Atlantic also states (pp. 4-5) that BOC provision of E911 services has been found to be in the public interest "in conjunction with approved waivers to the AT&T decree."³ Finally, Bell Atlantic (p. 5) claims that "enforcement of the Section 272 separate affiliate requirements is not necessary here to ensure that rates will be just and reasonable," and that there is no danger of discrimination because of the separate nondiscrimination provision of Section 271(c)(2)(B)(vii)(I).

While Bell Atlantic's petition does not appear to satisfy the three-part Section 10 standard,⁴ AT&T would not oppose an appropriate application of the

³ Bell Atlantic cites to BellSouth's petition, to which was appended, as Attachment 3, a March 1991 DOJ letter regarding E911 service provided by Pacific Telesis ("DOJ Letter").

⁴ As a threshold matter, Bell Atlantic's reliance on the 1991 DOJ Letter is insufficient to demonstrate that Bell Atlantic's waiver request meets the specific criteria for forbearance under Section 10, because that ruling turned on significantly different and narrower circumstances than required by Section 10 of the Act. In particular, the Department's letter found the service in the public interest because it permits convenient and efficient access to emergency services providers, but did not address the implications of integration of that service for potential BOC competitors in the local exchange market.

Commission's forbearance authority in connection with the imposition of Section 272 structural separation requirements on E911 services. The unique nature of the E911 services suggests that, upon a proper showing by an RBOC that its provision of E911 on an integrated basis meets the test for forbearance under the Act, it may be appropriate for a narrow exercise of the Commission's forbearance authority to allow the integrated provision of E911 service by that RBOC. In that event, however, it is important that the Commission make clear that it is not deregulating 911 and E911, that such an action provides no precedent with regard to other RBOC services, and that the RBOC accorded such forbearance authority must comply with the accounting and other nondiscrimination

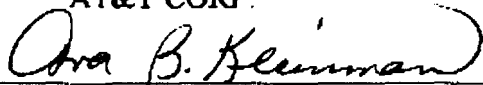
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safeguards required under the Commission's Computer Inquiry rulings for its E911 information service,⁵ as well as the nondiscrimination and other requirements of the Act.⁶

Respectfully submitted,

AT&T CORP.

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⁵ At a minimum, the RBOC must comply with the Commission's joint cost rules, 47 C.F.R. §64.901, appropriate amendments to its cost allocation manual, see 47 C.F.R. §64.903(b), and compliance with the Computer III customer proprietary network information requirements, as amended by Section 222 of the 1996 Act.

⁶ Bell Atlantic claims that Section 272 "adds nothing" because "so long as the [E911] service continues to be offered by the local carrier, nondiscriminatory access is a condition of long distance entry." Bell Atlantic Reply Comments, p. 2 (citation omitted) (emphasis added). Bell Atlantic is wrong to believe that, so long as it offers E911 service to end users and other carriers, it should be allowed to deny future competitors the ability themselves to offer emergency services by denying them essential unlisted number or other information. This is precisely what the Section 272 safeguards are intended to prevent.

CERTIFICATE OF SERVICE

I, Rena Martens, do hereby certify that on this 21st day of April, 1997, a copy of the foregoing "Comments of AT&T Corp." was mailed by U.S. first class mail, postage prepaid, to the parties listed below:

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